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9 *DS Advanced Enterprises,*  
10 *Ltd.*

11 **U.S. DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 DS ADVANCED ENTERPRISES,  
14 LTD.,  
15 A CORPORATION,  
16 *Plaintiff,*  
17 v.  
18 LEDVANCE LLC,  
19 A CORPORATION, and  
20 LOWE’S GLOBAL SOURCING  
21 (SHANGHAI) TRADING CO.,  
22 LTD.,  
23 A CORPORATION,  
24 *Defendants.*

Case No.: 5:23-cv-02058-MCS-PD

**DECLARATION OF  
PLAINTIFF’S COUNSEL  
PATRICK CUMMINS IN  
SUPPORT OF NOTICE OF  
VOLUNTARY DISMISSAL OF  
DEFENDANT WITHOUT  
PREJUDICE PURSUANT TO  
FED. R. CIV. P. 41(a)(1)(A)(i)**

1 I, Patrick Cummins, declare as follows:

2  
3 1. I am an attorney licensed to practice in the State of California and before  
4 this Court. I am counsel for the Plaintiff, DS Advanced Enterprises, Ltd., in this matter.  
5 If called as a witness, I could and would testify competently as to the facts set forth  
6 herein, as I know each to be true based upon my own personal knowledge or upon my  
7 review of the files and records maintained in the regular course of its representation of  
8 Plaintiff. I submit this declaration in support of the VOLUNTARY DISMISSAL OF  
9 DEFENDANT WITHOUT PREJUDICE PURSUANT TO FED. R. CIV. P.  
10 41(a)(1)(A)(i).

11 2. On October 31, 2023, Attorney for Lowe's Home Centers, LLC ("LHC"),  
12 in the Case No.: 3:23-cv-01335-CAB-JLB, called Counsel for Plaintiff DS Advanced  
13 Enterprises, Ltd. to discuss this instant case against Defendant Lowe's Global Sourcing  
14 (Shanghai) Trading Co., Ltd. ("Lowe's Shanghai").

15 3. Plaintiff's Counsel fairly notes that, during the October 31, 2023 call, the  
16 Attorney for LHC, Mr. Scott Stimpson, did not expressly indicate they are or were  
17 representing Lowe's Shanghai in this instant case (*i.e.*, Case No.: 5:23-cv-02058).

18 4. Upon information and belief, Attorney Mr. Scott Stimpson has represented  
19 the parent company ("Lowe's Companies, Inc.") of Lowe's Shanghai, in other cases.  
20 See, *e.g.*, Case No.: 5:14-cv-00881-JGB-SP.

21 5. On October 31, 2023, and after the call from LHC's Attorney, LHC's  
22 Attorney provided emails to Plaintiff's Counsel regarding this instant case.

23 6. Plaintiff's Counsel, again, fairly notes that the Attorney for LHC did not  
24 expressly indicate in the emails that they are or were representing Lowe's Shanghai in  
25 this instant case.

1           7.       Based on the call and emails, Plaintiff's Counsel, in good faith, expects that  
2 Lowe's Shanghai will take issue with the joinder of the Defendants in this instant case.

3           8.       Further, based on the call and emails from LHC's Attorney, Plaintiff's  
4 Counsel, in good faith, expects that Lowe's Shanghai will not "waive the limitations of  
5 [35 U.S. Code § 299]" per 35 U.S.C. § 299(c).

6           9.       Additionally, based on the call and emails from LHC's Attorney, Plaintiff's  
7 Counsel, in good faith, expects that Lowe's Shanghai will take issue with service of the  
8 summons in this instant case.

9           10.      In view of the foregoing, and in furtherance of judicial economy, Plaintiff's  
10 Counsel is voluntarily dismissing Defendant Lowe's Shanghai without prejudice and  
11 pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

12  
13           I declare under penalty of perjury under the laws of the State of California and the  
14 laws of the United States of America that the foregoing is true and correct.

15  
16 Dated: November 3, 2023

17 **CUMMINS IP PLLC**

18 /s/ Patrick Cummins,

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24 ***Counsel for Plaintiff,***

25 ***DS Advanced Enterprises, Ltd.***

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27 DECLARATION OF PLAINTIFF'S COUNSEL PATRICK CUMMINS IN SUPPORT OF NOTICE  
28 OF VOLUNTARY DISMISSAL OF DEFENDANT WITHOUT PREJUDICE PURSUANT TO FED.  
R. CIV. P. 41(a)(1)(A)(i)